IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

CONTEMPT PEITION NO.336 OF 2005

Smt. Sunita Girish Lodha & Anr. ...Petitioners.

Versus

Shri Rajendrakumar Bhavarlal Jain & Ors. ...Respondents.

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Mr. H. S. S. Murthy i/b. Mr. V.N. Tayade for the Petitioners.
Mr. P. M. Shah for Respondent Nos.1 to 4.

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CORAM : DR. D.Y. CHANDRACHUD, J.

December 7, 2005.

P.C.:

While disposing of an appeal (A.O. No.869 of 2005) against an order of the Learned Trial Judge on a Notice of Motion, this Court set aside the order of the Trial Court and restored the Motion to the file for fresh consideration. However, the status quo as prevailing on the date when the suit was instituted in respect of the shop which was the subject matter of the suit was directed it to continue. At this stage, considering the dispute in respect of the exact connotation of the order of status quo in the facts of this case, because parties have conflicting versions as to who was in possession on the date of the suit, it would be appropriate if the motion before the Trial Court is heard and disposed of so as to facilitate the determination of the question as to who was in

possession on the date when the suit was instituted. In that view of the matter, this Contempt Petition is disposed by leaving it open to the Petitioner to apply for revival of the Petition in the event it becomes necessary to the Petitioner to do so after the finding rendered by the Trial Court against him.

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